

REMARKS

The Examiner's Office Action dated December 5, 2005 has been received and carefully considered. Applicant has amended Claims 1-2, 4-6, 11, 18-25, added new Claims 26-27 and cancelled Claims 3, 7-10, 12-17. Claims 1, 4 and 18 are the independent claims. Claim 2 depends upon Claim 1. Claims 5, 11 and new Claim 27 depend upon Claim 4 and Claim 6 depends upon Claim 5. Claims 19-21, 23 and 25 depend upon Claim 18. Claim 22 depends upon Claim 21, while Claims 24 and new Claim 26 depend upon Claim 20. Claims 1-2, 4-6, 11, 18-27 remain pending.

1. The Examiner objected to the drawings under 37 CFR 1.83(a) since several features of Applicant's claims were not shown in the drawings.

In response, Applicant thanks the Examiner for his courteous suggestion that Applicant show the features of Applicant's claims in a flow chart. Applicant requests entry of one new sheet of drawings labeled Fig. 3, which shows the suggested flow chart. New Fig. 3 has no new matter and is fully supported by Applicant's original claims and specification. Applicant has also amended the "Brief Description of the Drawings" section of Applicant's original specification to recite the addition of Fig. 3 for consistency as suggested by the Examiner. In addition, Applicant has cancelled Claims 3 and 7 without prejudice and further disclaimer in order to expedite prosecution of this application.

Accordingly, Applicant submits that the Examiner's objection to the drawings under 37 CFR 1.83(a) has been overcome and respectfully requests withdrawal of this objection.

2. The Examiner objected to Claims 3, 7-10 and 12-17 under 37 CFR 1.75(c).

In response, Applicant has cancelled Claims 3, 7-10 and Claims 12-17 without prejudice and further disclaimer in order to expedite prosecution of this application.

Accordingly, Applicant submits that the Examiner's objection under 37 CFR 1.75(c) has been overcome and respectfully requests withdrawal of this objection.

3. The Examiner rejected Claims 1-3 under 35 U.S.C. §112, second paragraph. The Examiner also stated Claims 1, 4 and 18 lack a clear and proper precedent, while Claim 1 recites functional language absent "means for language" so that the Examiner allegedly cannot determine if the scope of the claim intends to invoke a means plus function limitation under 35 U.S.C. §112, sixth paragraph.

In response, Applicant has amended Claims 1-2, 4 and 18 and cancelled Claim 3 as stated above.

Amended independent Claim 1 now more clearly describes Applicant's unique and non-obvious invention of a diminishing returns bingo game resulting in a controllable disadvantage by an operator of the bingo game to a plurality of players, comprising in combination: "a plurality of randomly generated bingo cards, each of the bingo cards comprising a plurality of bingo numbers wherein each one of the plurality of players pre-select at least one of the plurality of randomly generated bingo cards and each one of the plurality of players pre-select at least one of a plurality of player patterns comprising a quantity of bingo numbers of the at least one of a plurality of bingo cards pre-selected by each one of the plurality of players; and a plurality of randomly generated bingo numbers of the bingo game wherein, as each of the plurality of pre-selected player patterns is matched to a quantity of the plurality of randomly generated bingo numbers, each of the plurality of players realize at

least one of a plurality of diminishing awards as the quantity of the plurality of randomly generated bingo numbers increases”.

Dependent Claim 2 now clearly describes Applicant’s unique and non-obvious features of the diminishing returns bingo: “further comprising at least one of a plurality of payout tables predetermined by the operator of the bingo game”, which clearly further limits independent Claim 1.

Similarly amended independent Claim 4 now more clearly describes Applicant’s unique and non-obvious invention of a diminishing returns bingo game, comprising in combination: “means for randomly generating a plurality of bingo cards, each of the bingo cards comprising a plurality of bingo numbers wherein at least one player of the bingo game pre-selects at least one bingo card of the plurality of randomly generated bingo cards and the at least one player pre-selects at least one player pattern comprising a quantity of bingo numbers of the at least one bingo card pre-selected by the at least one player; and means for randomly generating a plurality of bingo numbers of the bingo game wherein, as the at least one player pattern is matched to a quantity of the plurality of randomly generated bingo numbers the at least one player realizes at least one of a plurality of diminishing awards as the quantity of the plurality of randomly generated bingo numbers of the bingo game increases”.

Furthermore, amended independent Claim 18 now clearly describes Applicant’s unique and non-obvious invention of a method for offering a diminished returns bingo game comprising the steps of: “randomly generating a plurality of bingo cards, each of the bingo cards comprising a plurality of bingo numbers; pre-selecting at least one player bingo card of the plurality of bingo cards by at least one player of the bingo game; pre-selecting at least one player pattern comprising a quantity of bingo numbers of the at least one pre-selected player bingo card by the at least one player of the bingo game; and randomly generating a plurality of bingo numbers of the bingo game to match to the at least one player pattern so that the at least one player realizes

a plurality of diminishing awards as the quantity of randomly generated bingo numbers of the bingo game increases”.

Accordingly, Applicant submits that the Examiner’s objection to Claims 1-2, 4 and 18 under 35 U.S.C. §112, second paragraph and the objection to Claim 1 under 35 U.S.C. §112, sixth paragraph have been overcome. Applicant respectfully requests withdrawal of the Examiner’s objections.

4. The Examiner rejected Claims 1-15 and 18-24 as allegedly being anticipated under 35 U.S.C. §102 (b). The Examiner cites Frank et al., U.S. Patent 6,186,892 to support the Examiner’s allegations. In particular, the Examiner alleges that Frank et al. ‘892 shows a random number generator in a gaming machine which is allegedly capable of generating a plurality of bingo cards where a player is permitted to pre-select a player pattern.

In response, Applicant respectfully submits that Frank et al. ‘892 has a completely different motivation and teaches a different bingo game compared to Applicant’s unique and non-obvious bingo game. Specifically, Frank et al. ‘892 states the bingo game is for players at remote locations (Column 1 in the Field of the Invention and stated elsewhere). In addition Frank et al. ‘892 is concerned about the honesty of the bingo game (Column 2, lines 19-31 and lines 44-47). Furthermore, Frank et al. ‘892 explicitly supplies players a plurality of blank bingo cards and specifies that the players fill out the bingo cards with bingo numbers and patterns associated with the players’ pick of bingo numbers for the blank bingo cards (see Fig. 1 and Fig. 2, Column 5 lines 1-6 and lines 28- 32). Moreover, the player’s card consisting of the players own series of numbers is indexed and registered with the central gaming system after which play is commenced. As disclosed by Frank et al. ‘892, the operator of the game pre-announces how many bingo numbers are to be drawn and the winning patterns of the game. If a player achieves a winning pattern during the drawing of the specified number of bingo numbers, the

player receives a prize (see Column 5, lines 38-43 and Frank et al.'s independent Claim 1 at Column 7, 31-68, Column 8 lines 1-4). Clearly, Frank et al. '892 does not teach generating a plurality of bingo cards nor Applicant's bingo game.

Specifically, according to Applicant's specification and amended claims, a plurality of bingo cards is generated and the plurality of bingo cards comprises a plurality of bingo numbers. A player has no input regarding the specific number placement on the plurality of randomly generated bingo cards. These plurality of bingo cards with numbers are randomly generated before the player receives the cards. Furthermore, according to Applicant's specification and claims a player pre-selects bingo cards from the randomly generated bingo cards and pre-selects card patterns comprising a quantity of bingo numbers from the player's pre-selection of the randomly generated bingo cards. Bingo numbers are then generated randomly and matched to the player's pre-selected patterns, with the player receiving awards on a diminishing basis as the number of randomly generated bingo numbers increases. According to Applicant's specification, bingo numbers are drawn until all of the player's pre-selected patterns are matched. Therefore, each player may receive one or more awards according to which payout tables are used by an operator even if all bingo numbers of the game are drawn. The game does not stop until all bingo numbers of the bingo game are drawn. Applicant's amendments of the claims are merely intended to clarify Applicant's unique and non-obvious invention.

Applicant's unique and non-obvious features of the bingo game and method of playing the bingo game are described in independent Claims 1, 4 and 18 which clearly distinguishes over Frank et al. '892. As stated earlier, Applicant has cancelled Claims 3, 7-10 and 12-17, thereby rendering the rejection of these claims moot. Applicant has amended dependent Claims 2, 5, 11 and 19-24 to more clearly define Applicant's unique and non-obvious

invention. Since Applicant's dependent Claims 2, 5, 11 and 19-24 depend upon and have all the limitations of Applicant's independent claims, Applicant respectfully submits Applicant's dependent claims are also unique and non-obvious.

Accordingly, Applicant submits that the Examiner's rejection of Claims 1-2, 4-5, 11 and 18-24 under 35 U.S.C. §102 (b) has been overcome and respectfully requests withdrawal of these rejections.

5. The Examiner rejected Claims 16, 17 and 25 as allegedly being obvious under 35 U.S.C. §103 (a) based on the combination of Frank et al. '892 and Loyd, U.S. Patent 4,332,389. The Examiner alleges it is merely a matter of design choice to have the rate of balls called to be determined by the game operator.

Initially, in response Applicant notes that Loyd '389 has a motivation for drawing the balls at a certain adjustable rate. That motivation is stated in Loyd '389 (Column 2, lines 8-12) and is stated as "to give the game players a constant rate of bingo numbers called". In contrast, Applicant's unique and non-obvious Claims 16, 17 and 25 make it clear that Applicant is motivated to change the rate of drawing to increase players' suspense during the game. Applicant does not suggest or teach that the rate is constant, but actually the rate of drawing balls is slowed down as the number of randomly generated bingo numbers is increased, which is neither taught nor suggested by Loyd '389 or any combination cited by the Examiner. In any case, Claims 16, 17 and 25 depend upon unique and non-obvious Claim 18, and therefore have all the limitations of independent Claim 18.

Accordingly, Applicant submits that the Examiner's rejection of Claims 16, 17 and 25 under 35 U.S.C. §103 (a) has been overcome and respectfully requests withdrawal of this rejection.

6. Applicant has added new Claims 26-27 without the introduction of new matter.


New dependent Claim 26 recites Applicant's unique and non-obvious feature of the method for offering a diminished returns bingo game further comprising the step of: "adjusting the quantity of awards of the plurality of diminishing awards of at least one payout table of the plurality payout tables based on a desired level of profitability". Full support for new Claim 26 is found on page 5, lines 7-26 of Applicant's original specification.

New dependent Claim 27 recites Applicant's unique and non-obvious feature of the diminishing returns bingo game: "further comprising a plurality of predetermined winning patterns of the bingo game, the at least one player pattern eventually matching to at least one of the plurality of predetermined winning patterns". Full support for new Claim 27 is found on page 15, lines 28-32, page 16, lines 9-11 and page 16, lines 16-23 of Applicant's original specification.

Since Applicant previously had three independent claims and twenty-two dependent claims, no fees are due.

If there are any fees incurred by this Amendment Letter, please notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "D. Landman". The signature is written in a cursive style with a horizontal line underneath the name.

David Landman, Ph.D.
Registration No. 51, 324
Telephone: 702-243-6699
Facsimile : 702-243-6699
1617 Cardinal Bluff Dr. #202
Las Vegas, NV 89128